

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 14-30 and 32-36 are pending. Claim 1 is amended, and Claims 35 and 36 are newly submitted. No new matter is introduced.<sup>1</sup>

In the Office Action, Claims 14-31 were rejected under 35 U.S.C. § 102(b) as anticipated by Schmid (U.S. Patent No. 6,669,588); and Claims 32-34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schmid in view of Kashiwase (U.S. Patent No. 6,561,934).

Claim 1 relates to a belt type continuously variable transmission. Claim 1 recites a pulley shaft that is supported by a first bearing and a second bearing that are spaced apart from each other in an axial direction of the pulley shaft, and a supply oil passage that supplies hydraulic fluid to a pulley hydraulic chamber. The supply oil passage includes a radial direction oil passage that extends in the pulley shaft in a radial direction of the pulley shaft.

Amended Claim 1 clarifies that the radial direction oil passage is formed in the pulley shaft outside of a portion of the pulley shaft that is between *a center of* the first bearing and *a center of* the second bearing with respect to the axial direction of the pulley shaft. Amended Claim 1 further recites that the portion of the pulley shaft that is between *the center of* the first bearing and *the center of* the second bearing with respect to the axial direction of the pulley shaft is *free of any oil passages that extend in the radial direction of the pulley shaft* such that any radial direction oil passage that extends in the radial direction from the pulley

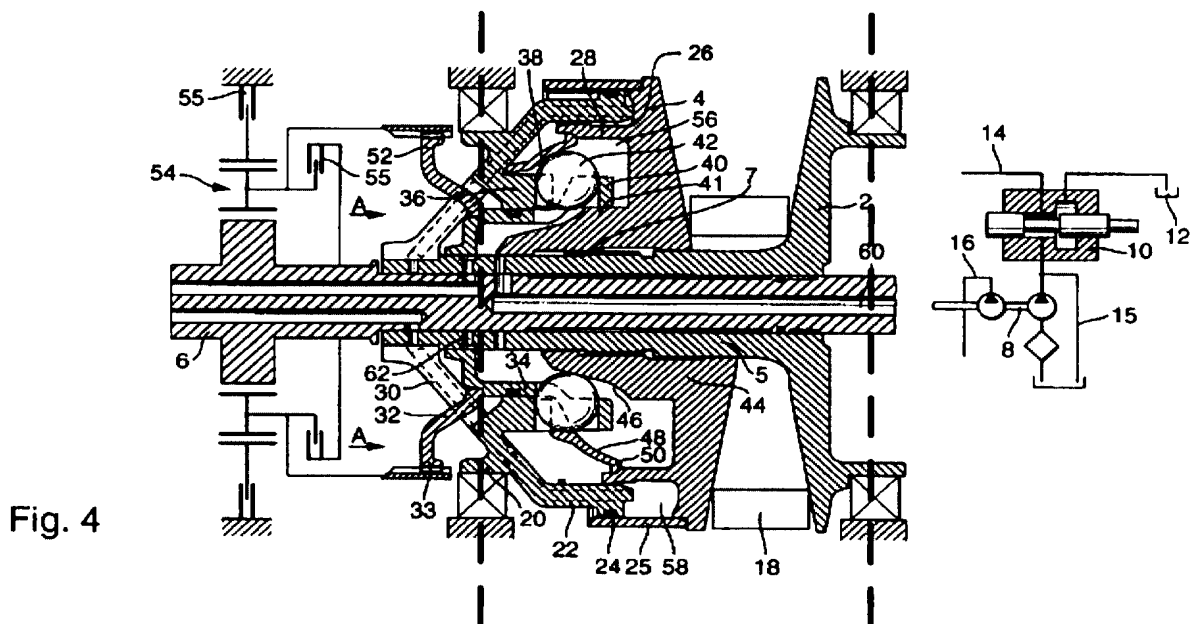
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<sup>1</sup> Support for amended Claim 1 can be found at least at paragraphs [0006]-[0007] and Figures 2-3 of the original disclosure, for example.

shaft is not provided between *the center of* the first bearing with respect to the axial direction of the pulley shaft and *the center of* the second bearing with respect to the axial direction of the pulley shaft.

This amendment is fully supported by the specification as originally filed. For example, although not to be construed as limiting, Figure 2 of the present application illustrates a radial direction oil passage for supplying the hydraulic fluid to the pulley hydraulic chamber is formed on the outside of the area between the two positions which are apart from each other and at which the bearings are provided (outside of the center of each of the bearings). As discussed at paragraph [0007] of the specification as originally filed, for example, in this configuration a portion in which the radial direction oil passage of the pulley shaft is formed *does not directly receive a load applied by the belt*. Accordingly, concentration of stress on the radial direction oil passage does not occur, and the strength of the pulley shaft can be secured.

The Office Action identifies the blocks with X's in Figure 4 of Schmid as the claimed first and second bearing. As can be seen in Figure 4 of Schmid, reproduced below with annotations for clarity, the shaft 6 includes at least one radial bore that is that is in communication with the blind bore 60 and that is between *the center* of the blocks with X's.



Therefore, even if the blocks with X's in Figure 4 of Schmid are identified as the claimed first and second bearings, Schmid fails to disclose a portion of a pulley shaft that is between the *center* of the claimed first bearing and the *center* of the claimed second bearing with respect to an axial direction of the pulley shaft that is *free of any oil passages that extend in the radial direction of the pulley shaft* such that any radial direction oil passage that extends in the radial direction from the pulley shaft is not provided between *the center of the* first bearing with respect to the axial direction of the pulley shaft and *the center of the* second bearing with respect to the axial direction of the pulley shaft.

Moreover, unlike the present application, Schmid fails to recognize the detrimental stress concentrations that can occur when radial direction oil passages are located between two spaced-apart support bearings. Thus, unlike the claimed configuration, the radial

direction oil passages 62 and 62' of Schmid *directly receive a load applied by the belt*.

Indeed, Schmid fails to provide any apparent reason to modify the configuration of oil passages disclosed therein to achieve the claimed configuration.

Accordingly, Schmid fails to disclose or suggest all of the features of amended independent Claim 14. It is submitted that Claim 14 and the claims depending therefrom are in condition for allowance.

With respect to the rejection of Claims 32-34 under 35 U.S.C. § 103(a) as unpatentable over Schmid in view of Kashiwase, Kashiwase fails to cure the deficiencies in Schmid discussed above with respect to independent Claim 14. In particular, Figure 3 of Kashiwase includes an oil passage that (1) extends in the radial direction of the primary shaft 13, and (2) is between the center of the bearings that support the primary shaft 13 in the axial direction of the primary shaft 13. Accordingly, Claims 32-34 are believed to be in condition for allowance for at least the same reasons as Claim 14, from which they depend.

New Claims 35 and 36 depend from Claim 14 and recites further features that are not disclosed or suggested by the cited references, particularly when considered in combination with the features of Claim 14. Accordingly, Claims 35 and 36 are believed to be in condition for allowance.

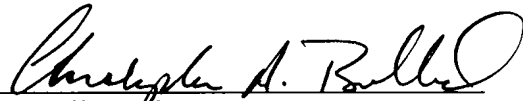
For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 14-30 and 32-36 is earnestly solicited.

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Reply to Office Action of December 22, 2008

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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